

Hon. Katherine Polk Failla,  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square, Courtroom 618,  
New York, NY 10007

July 29, 2021

Re: John Doe 1 v. East Side Club, LLC et al  
Case # 18-cv-11324-PKF

Honorable Judge Failla:

I am the Plaintiff John Doe 1 in the above captioned action. I am writing in response to Defendants' attorney Mr. Shanahan's emails to me (attached to this letter) concerning my Motion for Reconsideration of the Court Order dated and entered July 1, 2021 (*Dkt. 166*) ("MFS Order"), which I noticed by Notice on Motion dated July 27, 2021, and filed pursuant to FRCP 59(e) and Local Civil Rule 6.3 of Local Rules of U.S.D.C. for the Southern and Eastern Districts of New York, under which, a motion to alter or amend a judgment (a motion for reconsideration) must be filed no later than 28 days after the entry of the judgment, which makes my motion filed timely.

Mr. Shanahan is instructing me that pursuant to Your Honor's Individual Rules, I had to first request a leave of Court to file my motion. After receiving Mr. Shanahan's email, I reviewed Your Honor's Individual Rules of Practice in Civil Cases (revised November 7, 2019) today, and I still do not see that these Rules require me to seek leave of Court to file a motion for reconsideration under FRCP 59(e).

Nevertheless, if I overlooked something and if Mr. Shanahan is correct, I ask you to permit me the filing of my aforementioned Motion for Reconsideration and accept the filing of

this motion that I have made on July 28, 2021, via

Temporary\_Pro\_Se\_Filing@nysd.uscourts.gov.

At the telephone conference on March 17, 2021, held before Your Honor with respect to my potential filing of a *pro se* supplemental submission in opposition to MFS, Your Honor stated that she did not want to ban evidence and filings on a technicality, but rather wanted to make her ruling on MFS after conducting a thorough analysis to find out what really happened. Your Honor did so. However, this case is unique because my attorneys deprived me of any information concerning questions that this Court had to my submissions and disclosures. Because DSLG attorneys played a double game, at all times material, due to this DSLG attorneys' misconduct, I was kept completely ignorant and therefore had no chance to correct or explain any statements or filings that were made by me or on my behalf. This resulted that I was only able to learn about issues that the Court was concerned about me, from MFS Order.

My Memorandum of Law in support of my motion for reconsideration shows that MFS Order is made on incorrect factual assumptions that are pivotal for the ruling, and that therefore it results in an obvious injustice.

For example, among other facts, its Exhibits show that (1) on September 5, 2018, I fully discussed Manhattan Action to Mr. Cohen and expressly directed Mr. Cohen to visit NYSCEF to analyze Manhattan Action's NYSCEF documents; (2) that on November 7, 2018, Mr. Cohen knew that Bronx Action included *seven* defendants and was not the action solely against my former attorney for fees; (3) that on January 9, 2019, I fully disclosed Bronx Action and *complete list of its defendants* to Mr. Cohen; (4) and shows many other facts demonstrating my pivotal disclosures to DSLG attorneys a long time before the discovery started.

Therefore, my motion for reconsideration benefits justice, benefits me because MFS Order currently punishes me without my fault, and benefits Defendants who (1) may consider its memorandum of law to request the Court to reshape the relief by shifting it solely on DSLG and Mr. Cohen, and who (2) can use its Exhibits—that will become the trial court record—to further pursue their rights and successfully fight against DSLG during the appeal from MFS Order that DSLG has filed.

I respectfully ask you to permit me the filing of my aforementioned Motion for Reconsideration and accept the filing of this motion that I have made on July 28, 2021, via [Temporary\\_Pro\\_Se\\_Filing@nysd.uscourts.gov](mailto:Temporary_Pro_Se_Filing@nysd.uscourts.gov). Thank you.

Respectfully,

*Signature*





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John Doe 1, Plaintiff


Attachment: printout of emails between Mr. Shanahan and me on July 29, 2021.


E-mail copy to Johnmack Cohen, Esc, Derek Smith Law Group, PLLC (to Derek T. Smith, Esq.), and Thomas Shanahan, Esq.

 18-CV-11324 (Exhibit G).pdf  
71K

 18-CV-11324 (Exhibit H).pdf  
191K

 18-CV-11324 (Exhibit I).pdf  
126K

 18-CV-11324 (Exhibit J).pdf  
48K

 18-CV-11324 (Exhibit K).pdf  
114K

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Thomas Shanahan <tom@shanahanlaw.com>

Thu, Jul 29, 2021 at 11:02 AM

To: [REDACTED] **JOHN DOE 1**  
Cc: Johnmack <johnmack@dereksmithlaw.com>, Derek Smith <dtslaws@msn.com>

LAlex,

Did you file a letter requesting leave to file this? It's required under the judges rules. Please advise.

If not, I'll have to inquire from court if it will be accepted.

Tom Shanahan.

Sent from my iPhone

On Jul 28, 2021, at 2:11 AM, [REDACTED] **John Doe 1** wrote:

[Quoted text hidden]

<18-CV-11324 (Motion Notice).pdf>  
<18-CV-11324 (Motion Memorandum).pdf>  
<18-CV-11324 (John Doe 1 Affidavit).pdf>  
<18-CV-11324 (Exhibit A).pdf>  
<18-CV-11324 (Exhibit B).pdf>  
<18-CV-11324 (Exhibit C).pdf>  
<18-CV-11324 (Exhibit D).pdf>  
<18-CV-11324 (Exhibit E).pdf>  
<18-CV-11324 (Exhibit F).pdf>  
<18-CV-11324 (Exhibit G).pdf>  
<18-CV-11324 (Exhibit H).pdf>  
<18-CV-11324 (Exhibit I).pdf>  
<18-CV-11324 (Exhibit J).pdf>  
<18-CV-11324 (Exhibit K).pdf>

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To: Thomas Shanahan <tom@shanahanlaw.com>, failla\_nysdchambers@nysd.uscourts.gov

Thu, Jul 29, 2021 at 3:31 PM

Hello, Mr. Shanahan.

No, I did not ask the Court to accept this. I did not know that I had to: I called Clerks Office, and they explained to me that I can file a motion to reconsider without any other formalities and fees. Please ask the Court if this will be accepted. Thank you.

Respectfully,

[REDACTED]  
[Quoted text hidden]

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Thomas Shanahan <tom@shanahanlaw.com>

Thu, Jul 29, 2021 at 3:59 PM

To: [REDACTED]  
Cc: OUT Adventures <info@out-adventures.com>

I suggest you clarify the issue. If you do not file a letter asking the Court if this will be considered by close of business today, I'll file a letter tomorrow and attach these emails.

A simple review of her part rules will lead you to the correct procedure. You've followed them before so I'm at a loss as to why you are nit complying now.

It's up to you [REDACTED] You have legal training and will be held to a higher standard than a pro se tflitigant without and legal knowledge.

7/29/2021

Gmail - Pro Se Filing - 18-CV-11324

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If you want to continue playing games it will just add to the amounts you, Johnmack and Derek Smith may be ordered to pay as part of any judgment ultimately issued by the court.

Tom

Sent from my iPhone

On Jul 29, 2021, at 3:32 PM, [REDACTED] > wrote:

[Quoted text hidden]